



Department of Justice

FOR IMMEDIATE RELEASE
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**JUSTICE DEPARTMENT WILL NOT CHALLENGE PROPOSED CHANGES TO
AMERICAN HEART ASSOCIATION PHARMACEUTICAL ROUNDTABLE**

WASHINGTON, D.C. -- The Department of Justice said today that it would not challenge the proposed changes in the activities of the Pharmaceutical Roundtable (PRT) of the American Heart Association (AHA).

The Pharmaceutical Roundtable sponsors and funds basic biomedical research by independent researchers to study the causes, prevention, and treatment of various cardiovascular diseases, including stroke.

Based on information provided by the parties, the Department said the PRT's future activities are not likely to lessen competition substantially.

"The Department will not challenge a true joint research and development venture on antitrust grounds unless on balance, the venture will have anticompetitive effects", said Joel I. Klein, Assistant Attorney General in charge of the Antitrust Division. "Joint ventures to perform basic, non-appropriable research, like the PRT, are not usually on balance anticompetitive."

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Under the proposal, the PRT will target specific areas of interest in the cardiovascular field and fund basic research into the outcomes and health services related to those areas of interest. The PRT also proposes to change its members' annual contributions from the current level of \$200,000 (\$300,000 for the Founding Members) to \$1,000,000, and the term of its members' agreements from the current level of five years to three years. The combined annual contributions will continue to be used to fund basic research projects selected by vote of the PRT's members from a list of projects previously reviewed and approved by the AHA.

All pharmaceutical manufacturers, foreign and domestic, will continue to be eligible for membership in the PRT. There are currently no plans to limit the number of members active in the PRT, or to close membership.

Research funded by the PRT will not be oriented toward the improvement or development of commercial products. Any knowledge obtained from the research will be published and otherwise made public, not used privately by the AHA or any member of the PRT.

The PRT's members will neither initiate nor design research projects for review and approval of the AHA. Research projects will continue to be performed by independent researchers at their academic or other nonprofit institutions, and will be monitored by those institutions, not by the members of the PRT.

The members of the PRT remain free to select and fund

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through the PRT additional research projects approved by the AHA. The members are not in any way limited in conducting or funding research independent of the PRT.

The PRT's members will continue to have no rights to patents or other interests resulting from research funded by or through the PRT. However, members of the PRT may associate their firms' names with the additional research projects they fund through the PRT, and may use a specially designed logo in their own advertising to publicize their support for, and membership in, the PRT.

The Department's position was stated in a business review letter issued by the Antitrust Division. The Department reserves the right to bring an enforcement action against the PRT if those activities should prove to have an anticompetitive effect.

Under the Department's business review procedure, an organization may submit a proposed action to the Antitrust Division and receive a statement as to whether the Division will challenge the action under the antitrust laws.

A file containing the business review request and the Department's response may be examined in the Antitrust Documents Group of the Antitrust Division, Suite 215 Liberty Place, 325 7th Street, N.W., Department of Justice, Washington, D.C. 20004. After a 30-day waiting period, the documents supporting the business review will be added to the file, unless a basis for their exclusion for reasons of confidentiality has been

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established pursuant to Paragraph 10(c) of the Business Review Procedure.

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